

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Interview with Examiner:

Applicant and Applicant's representative appreciate the courtesies extended to them by Examiner Sperty, during a telephonic interview conducted on September 9, 2004. During that interview, a draft response was discussed, and also the cited art of record was discussed in detail.

Status of Claims:

Claims 24-29 are currently being canceled, whereby Applicant reserves the right to prosecute these "withdrawn from consideration" claims in a divisional application, if desired.

Claims 1, 3, 8-14, 21, 34, 43-49 and 53-66 are currently being amended.

Claims 67-88 are currently being added.

This amendment amends, cancels and adds claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-14, 21-23, 34 and 43-88 are now pending for consideration.

Affirmation of Election of Species:

In accordance with the request made on page 4 of the Office Action, Applicant affirms the election of Group I, species 3, for examination in this application. According to the Office Action, claims 8-13, 44-46, 48, 49, 53-55, 61, 64 and 66 are readable on the elected group and species. Please note that Applicant believes that claims 34 (by way of amendment), 43 (by way of amendment), 47 (by way of amendment), 48 and 49 (which depend from claim

47), 60, 62, 63 and 65 are also readable on the elected species. Also, new claims 67-88 are readable on the elected species.

Claim Objections:

Claim 3 was objected to because "a semi-rigid element is listed twice." Claim 3 has been amended to overcome this objection.

The claims containing "deattaching" or "deattachable" were objected to for the reasons set forth on page 5 of the Office Action. The claims have been amended to overcome this objection.

35 U.S.C. 112, First Paragraph Rejection of the Claims:

All of the pending claims were rejected under 35 U.S.C. Section 112, first paragraph, as being "infinitely more broad than the specification", as alleged on page 5 of the Office Action. The presently pending claims have been amended based on the suggestions made in the Examiner Interview Summary of April 27, 2004, whereby it is submitted that the presently pending claims are now fully compliant with 35 U.S.C. Section 112, first paragraph..

Also, with respect to claims 58, 59 and 64, those claims have been amended to use terms in the originally-filed specification. For example, for claim 58, see page 32 of the specification, and for claim 59, see page 33 of the specification, and for claim 64, see page 28 of the specification.

35 U.S.C. 112, Second Paragraph Rejection of the Claims:

All of the presently pending claims were rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite, for the reasons set forth on pages 6 and 7 of the Office Action. The claims and the specification have been amended to refer to "attachment device". Claim 10 has been amended to refer to "affixing element". With respect to the comments made in the Office Action with respect to claim 10, and referring to Figure 21 and referring to page 30 of the specification (specifically to paragraph 0111), the elastic band is fitted around an object, such as a stuffed bear or stuffed gorilla, to thereby hold the

object in place between the elastic band and the backer/stabilizer. For the sake of clarity, the offending language has been removed from claim 10.

With respect to claim 11, that claim has been amended to provide a structural difference between the holes and the cut-outs recited in that claim.

With respect to claim 46, that claim has been amended to correct the error noted by the Examiner on page 7 of the Office Action.

With respect to claim 55, the last two lines of that claim have been removed.

With respect to claims 61 and 64, those claims have been amended to remove the redundant terms in those claims.

Thus, all of the presently pending claims are believed to be fully compliant with 35 U.S.C. Section 112, second paragraph.

Rejection Of Claims 8, 9 and 12 Based on Mathis:

In the Office Action, claims 8, 9 and 12 were rejected under 35 U.S.C. Section 102(b) as being anticipated by U.S. Patent No. 5,566,477 to Mathis. This rejection is traversed with respect to presently pending claims 8, 9 and 12, for at least the reasons given below.

Mathis is directed to a removable shoelace cover for a shoe, whereby a first strap 38 is fitted through a first opening 32 of the shoelace cover 60 (and then the ends of the first strap are adhered together via Velcro fasteners at the respective ends of the first strap), a second strap 42 is fitted through a second opening of the shoelace cover 60 (and then the ends of the second strap are adhered together via Velcro fasteners at the respective ends of the second strap),, and a third strap 40 is fitted through a third opening 34 of the shoelace cover (and then the ends of the third strap 40 are adhered together via Velcro fasteners at the respective ends of the third strap).

In Mathis, the shoelace 24 is not used to affix the shoelace cover 60 to the shoe 20, but rather the shoelace cover is attached to the shoe 20 via the first and second straps 38, 42 being riveted to a top portion of the shoe, and

whereby the third strap 40 appears to be attached to the shoe by fitting the ends of the third strap 40 around a portion of the shoelace 24.

Thus, in Mathis, none of his first, second and third straps 38, 42 and 40 has its respective ends fitted through first and second openings of the shoelace cover 60 as is claimed in claim 8; rather, each strap 38, 42 and 40 is fitted only through one opening 32, 36, or 34 of the shoelace cover 60. In other words, one end of Mathis's first strap is fitted through the opening 32, but the other end of Mathis' first strap is not fitted through the opening 36 or the opening 34. Also, the coupling of Mathis' first and second straps ends together does not cause the shoelace cover 60 to be adhered to the shoe 20; rather, rivets are required to attached the straps 38, 42 to the top part of the shoe. See column 4, lines 27-34 of Mathis.

Furthermore, Mathis's shoelace cover 60 does not provide any backing or stability for his shoe or shoelaces, but rather it merely provides a decorative or protective cover for the shoelaces tied on the shoe.

Thus, claim 8 is not anticipated by Mathis.

Also, with regards to dependent claim 12, the Office Action contends that "the channel or loop formed by the strap on the side of the shoelace cover facing the shoelace (second surface) allows for passage of the shoelace 24." It is unclear exactly what element the Office Action is referring to here. There is a strap 42 fitted through an opening 36 on one side of the shoelace cover 30, and there is a strap 38 fitted through an opening 32 on another side of the shoelace cover 30. While the top portion of shoelace 24 is disposed beneath a top portion of the shoelace cover 30, this is not due to any channel portion formed in a back surface of the shoelace cover 30. The back surface of the shoelace cover 30 is shown in Figure 4 of Mathis, whereby no channel portion is shown in that figure. Please note that the features of claim 12 correspond best to Figure 20 of the drawings, showing a back surface of a backer/stabilizer 1910 having a channel portion 1930. No such feature can be found in Mathis. Also, please note that the top portion of Mathis's shoelace 24 actually can be seen in

Figure 1 of Mathis, whereby no portion of the shoelace cover 30 covers the top portion of Mathis's shoelace 24. Therefore, for at least these reasons as well as for the reasons stated above with respect to its base claim, claim 12 is not anticipated by Mathis.

Rejection Of Claims 55, 61, 64 and 66 based on standard definition of Velcro:

With respect to the rejection of claim 55 in which the Office Action contends that "the backer/stabilizer and affixing element are not part of the attachment device as drafted" (see page 8 of the Office Action), the intent of that claim was to include the backer/stabilizer as an element of the claimed attachment device, and claim 55 has been amended to make that explicitly clear. Note that claim 55 recites "an affixing element", and thus that element was explicitly recited as an element of the claimed attachment device. Accordingly, the claimed attachment device comprises: an adhesive and/or mechanical fastener; a backer/stabilizer; and an affixing element. These features are not disclosed or suggested by the standard definition of Velcro. Further, claims 61, 64 and 66 recite features of the claimed backer/stabilizer that are not disclosed or suggested by the standard definition of Velcro (e.g., openings in the backer/stabilizer).

Therefore, claims 55, 61, 64 and 66 are patentable over the cited art of record. Also, claims 62, 63 and 65, which depend from claim 55 and which should have been examined, are also patentable over the cited art of record due to the specific features recited in those claims.

Rejection Of Claims 8, 9, 12, 42 and 44-46 Based on Stanback and Sowell:

In the Office Action, claims 8, 9, 12, 42 and 44-46 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent No. 5,709,013 to Stanback in view of U.S. Patent No. 5,857,469 to Sowell. This rejection is traversed with respect to presently pending claims 8, 9, 12, 42 and 44-46, for at least the reasons given below.

In its rejection of claims 44-46, the Office Action gives no patentable weight to the features recited in those claims. However, the coupling together of the first and second ends of an affixing element in a region between a backer/stabilizer and a first hook and loop fastener provides for a rigid coupling of the affixing element to the other components of the attachment device, so that the affixing element will not come apart from those other components. This important feature is not disclosed or suggested by the cited art of record. Stanback's system does not provide for such rigid coupling, whereby it is possible that Stanback's elastic band 48 may be inadvertently detached from his base 52 (see Figure 2 of Stanback).

On page 9 of the Office Action, the Examiner asserts that Stanback teaches an attachment device for interchangeable ornaments; however, this assertion is not correct. In reality, as disclosed in column 3, lines 21-23 of Stanback, it states that "Device 10 may be interchanged with different ornamental articles similar to broach 12.". However, it is clear from the structure shown in Stanback and the description in Stanbach that the "articles similar to broach 12" must have a pin fastener to thereby allow them to be coupled to Stanbach's support device 10.

Also, with respect to the purported combination of Stanback and Sowell, please note that Stanback's pin shown in Figure 3 is part of the brooch 12 that is to be coupled to material 14 (see Figure 5 of Stanback) via the support device 10, and thus the comment made on page 9 of the Office Action concerning combining Sowell with Stanback in order to eliminate the safety concerns associated with Stanback does not make sense, since the pin is part of the brooch (the ornamental object), and is not part of Stanback's support device 10. Also, since Stanback uses holes in his support device 10 to attach the ornamental object (brooch 12) to it, there is no need for one skilled in the art to utilize a hook-and-loop fastener as shown in Sowell to do it, since it just duplicates what is already done by Stanback's system. Thus, Sowell's hook-and-loop fasteners (for allowing the coupling of one ornamental object to another ornamental object) serve no useful purpose in Stanback's system. If one was to

use Sowell's hook-and-loop fasteners to attach an ornamental object (e.g., Sowell's ribbon 10) to the brooch 1, then one would not need any part of Stanback's support device 10 for such coupling.

It appears that the Office Action's basic argument is that one skilled in the art would be motivated to add a Velcro pad to Stanback's support device 10 to allow non-pin-like objects to be coupled to the support device 10; however, there is no motivation in either Stanback or in Sowell to make such a change, especially since Stanback's device is designed solely for use with objects having pins. Note also that Stanback's support device 10 has an acutely curved surface suited for allowing a brooch having a pin to be coupled to it (via the holes 28 and 30), and thus this curved surface is not well suited to allow a Velcro pad or the like to be attached to it. Also, note that Stanback's sole purpose is to provide a coupling device for ornaments with pins, and to argue that Stanback can be modified to allow for coupling of non-pin ornaments is simply incorrect and goes totally against the sole purpose of Stanback.

Still further, even if one assumes for argument sake that the combined teachings of the prior art suggest that a Velcro pad can be attached to an outer surface of Stanback's support device 10 to allow non-pin objects to be coupled to it, then a problem occurs when one wants to attached a pin-object (e.g., a brooch having a pin) to the support device 10, since the Velcro pad attached to the outer surface of the support device 10 then would serve no purpose but rather would create an extra unwanted spacing (taken up by the Velcro pad) between the support device 10 and the pin-object. In that case, one would have to physically remove the Velcro pad from the support device 10 to get a flush mounting, or otherwise have to deal with the Velcro pad that serves no useful purpose and which actually creates a bulkier attachment device that may cause problems in certain instances.

Furthermore, Stanback teaches away from using an adhesive device like that of Sowell, since column 1, lines 18-23 of Stanback discloses that the use of "alternate means of fastening jewelry to a piece of material are either ineffective or damage the material in some manner", and thus Stanback appears

to consider the type of attachment as taught by Sowell as being undesirable. Accordingly, there is no motivation to combine the teachings of Sowell with those of Stanback. It is submitted that the use of a Velcro pad on a front surface of Stanback's support device 10 would be considered as harmful to the scarf 14 shown in Figure 5 of Stanback if the scarf 14 would come into contact with the Velcro pad, and thus, as discussed in column 1 of Stanback, such a use would go against the teachings of Stanback.

Still further, the Office Action asserts that the use of Sowell's Velcro pads would replace the pin of Stanback, thereby providing a safer device; however, this is incorrect, since Stanback's attachment device (his support device 10) does not have any pins, but rather the object-to-be-attached (the brooch) has the pin, whereby the brooch would correspond to the claimed first object. Accordingly, since the pin would still exist since it is part of the object to be attached, the purported motivation to combine Sowell with Stanback is faulty.

Also, in the structure according to the purported combination of Stanback and Sowell, the pin of the brooch (the first object) would actually be more likely to snag the second object (e.g., the material 14 in Figure 5) than would be the case if Stanback's support device 10 was not modified at all.

Accordingly, claim 8 is patentable over the cited art of record.

With respect to the rejection made for claim 12 based on the combined teachings of Stanback and Sowell, one skilled in the art would not be motivated to utilize a channel portion in Stanback's support device 10, since there is nothing "flush" about the mounting in Stanback's system. Note that Stanback's support device 10 has a curved shape (see Figures 1 and 2 of Stanback, for example), and thus having a channel portion on such a curved shape does not serve any useful purpose in Stanback's device.

Accordingly, claim 12 is patentable for this additional reason, beyond those given above with respect to its base claim.

Rejection Of Claims 48, 49, 53 and 54 Based on Stanback and Sowell and Bries

In the Office Action, claims 48, 49, 53 and 54 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Stanback and Sowell and further in view of U.S. Patent No. 6,572,945 to Bries. This rejection is traversed with respect to presently pending claims 48, 49, 53 and 54, for at least the reasons given below.

With respect to the rejection made with respect to claims 48, 49, 53 and 54 based on the combined teachings of Stanback, Sowell and Bries, there is no motivation to combine the teachings of Bries with those of Stanback and Sowell, since Stanback's support device 10 with his elastic bands provides a full coupling of a brooch to material (see Figure 5 of Stanback), and thus the use of as adhesive strip such as described in Bries would fundamentally alter the structure of Stanback (e.g., it would virtually eliminate it!).

Also, with respect to claim 54, there is no sandwiching of first and second ends of Stanback's elastic bands between his support device 10 and a hook-and-loop fastener (Stanback does not even use a hook-and-loop fastener), whereby adding a hook-and-loop fastener to a front surface of Stanback's support device 10 as shown in Sowell virtually eliminates the need for Stanback's structure, and thus one skilled in the art would just utilize Sowell's structure and not any of Stanback's structure for adhering an object (e.g., a ribbon) to another object (e.g., a brooch). At best, the combined teachings of Stanback and Sowell would result in Stanback's brooch 12 having Velcro provided on it, so that another object, such as a ribbon can be attached to the brooch 12 (whereby the brooch 12 is attached to material 14 by way of Stanback's support device 10 and elastic bands). This is clearly much different from the present invention.

Accordingly, the presently pending claims under rejection are patentable over the combined teachings of Stanback, Sowell and Bries.

New Matter Rejection:

The Office Action objected to the amendment filed on March 11, 2004, because it allegedly introduced new matter into the disclosure. Based on the amendments made to the claims to remove the terms "cylinder" and "post", this objection has been overcome.

Claims 34, 43 and 47:

Claims 34, 43 and 47 have been amended so that they are now readable on the elected species. These claims are believed to patentably distinguish over the cited art of record, due at least to the features associated with the claimed backer/stabilizer.

New Claims:

New claims 67-88 have been added, whereby these new claims are believed to be patentable over the cited art of record. With respect to claim 67, see element 1930 shown in Figure 20 of the drawings, for example. With respect to claims 68 and 69, see element 1920A, 1920b shown in Figure 19 of the drawings, for example. New independent claim 70 is similar to claim 8, whereby each of these claims recites that the first end of the affixing element is fitted through both the first and second openings of the backer/stabilizer. Claims 71 and 72 depend from new claim 70, and recite additional features of the invention. New independent claim 73 recites the invention from a different perspective than how it is recited in claim 8, whereby that claim, as well as its dependent claims 74-79, are believed to patentably distinguish over the cited art of record. Claims 80-82 depend from claim 73, and recite additional patentable features of the present invention. Claim 83 depends from claim 8, and recites a feature that has been removed from presently pending claim 8. New claims 84-87 recite additional features of the backer/stabilizer, whereby such features are believed to provide a separate basis for patentability of those claims. For example, neither Mathis nor Stanback teaches or suggests a flat-shaped

backer/stabilizer having an integral composition. New claim 88 recites additional features of the channel, in that it forms a groove.

Conclusion:

Accordingly, since there are no other objections or rejections raised in the Office Action, this application is believed to be in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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